

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. CR-10-11-D
)
CARRI O. ADAMS,)
)
Defendant.)

ORDER

Before the Court is Defendant Carri O. Adams' Motion in Limine Regarding Prior Conviction [Doc. No. 108]. Ms. Adams seeks to exclude from trial any evidence of her conviction in Dallas County, Texas, in 2009 of driving while intoxicated (DWI). She relies on Fed. R. Evid. 404(b) and arguments regarding relevance and undue prejudice under Fed. R. Evid. 403.

The government has responded to the Motion by stating it does not intend to introduce evidence of Ms. Adams' misdemeanor offense, either as Rule 404(b) evidence or as impeachment evidence under Rule 609. The government reserves the right, however, to question any character witness for Ms. Adams about the offense as a specific instance of conduct permitted under Rule 405(a).

Upon consideration, the Court finds that no issue is presented for decision, except as to the government's proposed use of Ms. Adams' DWI conviction to cross-examine a character witness, if appropriate, regarding a specific instance of conduct relevant to the character testimony presented. To this limited extent, the Court finds that the government may properly inquire into the DWI offense.

IT IS THEREFORE ORDERED that Defendant Adams' Motion in Limine Regarding Prior Conviction [Doc. No. 108] is granted in part and denied in part as set forth herein.

IT IS SO ORDERED this 7th day of May, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE